

ay



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,635	02/25/2002	Takayuki Matsui	100021-00073	1390
7590 01/10/2006 Arent Fox Kintner Plotkin & Kahn 1050 Connecticut Avenue N W Suite 600 Washington, DC 20036-5339			EXAMINER MACKOWEY, ANTHONY M	
			ART UNIT 2623	PAPER NUMBER
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,635	Applicant(s) MATSUI ET AL.	
	Examiner Anthony Mackowey	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The amendment filed October 11, 2005 has been entered and made of record.

Applicant's arguments, see page 6, filed October 11, 2005, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.

Applicant's arguments with respect to claims 1, 4 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "wherein said discriminating information from said document to be discriminated is produced base on said color separation parameter and compared with said discriminating information." As best understood in the claim there is only one set of discriminating information. Current claim language suggests the discriminating information is compared with itself thus making the claim indefinite. Claims 2 and 3 depend from claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,459,797 to Sato.

Regarding claim 1, Sato discloses an apparatus (col. 3, line 60 to col. 4, line 19, The system disclosed by Sato includes a CPU controlling the system, data input circuit, memory, look-up table circuit, and a CCD array) for discriminating a document with a discrimination information, said apparatus comprising:

image reading means for reading image data from said document prepared in an optional format (col. 6, line 62 to col. 7, line 12, Sato teaches the color printed matter is illuminated, an image is formed on the image sensor (CCD array), and the output of the image sensor is converted into a digital image signal.);

image data cutting out means for cutting out image data corresponding to a designated specified portion of said document from said image data read by said image reading means (col. 11, lines 44-49, Sato teaches the character containing the variable density information can be extracted (cut out).); and

color constituent extracting means for analyzing color constituents of said image data cut out by said cutting out means (col. 11, lines 50-58) and setting a color

Art Unit: 2623

separation parameter in a color space for a specific color constituent of said image data cut out (col. 10, line 15 - col. 11, line 49, Sato teaches distinguishing the color densities corresponding to the different portions of the image (i.e. background, characters, patterns) in an RGB color space and determining which corresponds to the character data.); and

a color constituent separating means for producing said discriminating information based on said color separation parameter set by said color constituent extracting means (col. 11, lines 44 -64, Sato extracts the character data based on the point identified in the color space as corresponding to the character data and so as to read the postal code (character data) from the document.),

wherein said discriminating information for said document to be discriminated is produced base on said color separation parameter and compared with said discrimination information (col. 11, lines 63-64; col. 12, lines 13-16, The postal code is accurately read and the document is processed.).

As to claim 4, Sato discloses a method for discriminating a document prepared in an optional format based on image data read from said document (Sato's teaching of the components of the system, their relationship and function, clearly discloses the method performed by the system as discussed above in claim 1.), said method comprising the steps of:

cutting out image data corresponding to a designated specified portion of said document (col. 11, lines 44-49, Sato teaches the character containing the variable density information can be extracted (cut out).);

analyzing color constituents of said image data so cut out (col. 11, lines 50-58), selecting a specific color constituent and setting a color separation parameter in color space for the selected color constituent (col. 10, line 15 - col. 11, line 49, Sato teaches distinguishing the color densities corresponding to the different portions of the image

Art Unit: 2623

(i.e. background, characters, patterns) in an RGB color space and determining which corresponds to the character data.); and

producing a discriminating information for said specified portion from said cut out image data based on said color separation parameter (col. 11, lines 44 -64, Sato extracts the character data based on the point identified in the color space as corresponding to the character data and so as to read the postal code (character data) from the document.); whereby

a document to be discriminated is discriminated by said discriminating information (col. 11, lines 63-64; col. 12, lines 13-16, The postal code is accurately read and the document is processed.).

Allowable Subject Matter

Claims 2 and 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5-7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM
1/6/06



JINGGE WU
PRIMARY EXAMINER